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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: March 8, 2018

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLACKROCK ALLOCATION TARGET  
SHARES: SERIES S PORTFOLIO, *et al.*,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

14-CV-09371 (KPF)(SN)

**STIPULATION AND ORDER**  
**FOR VOLUNTARY DISMISSAL PURSUANT TO RULE 41(a)**

**WHEREAS**, on November 24 2014, Plaintiffs commenced this putative class action by filing the Complaint [Dkt. No. 1], which they subsequently amended on February 23, 2016 [Dkt. No. 102] (the “Amended Complaint”);

**WHEREAS**, the Amended Complaint purports to allege claims arising from 12 RMBS trusts for which Wells Fargo serves as indenture trustee, including the BSSP 2007-EMX1 Trust, the IRWHE 2006-2 Trust, the MSHLC 2007-1 Trust, and the RVMLT 2007-2A Trust;

**WHEREAS**, certain Plaintiffs now wish to voluntarily dismiss some or all of their claims as contemplated by Rule 41(a) of the Federal Rules of Civil Procedure;

**WHEREAS**, plaintiff PIMCO Funds: Global Investors Series plc, US Fundamental Index StockPlus Fund no longer has standing to pursue the claims it asserted in the Amended Complaint arising from the BSSP 2007-EMX1 Trust as a result of its sale of the BSSP 2007-EMX1 certificates that it held, which were the sole basis for its claims in this Action;

**WHEREAS**, plaintiffs PIMCO Funds: Private Account Portfolio Series Mortgage Portfolio, PIMCO Variable Insurance Trust: PIMCO Global Bond Portfolio (Unhedged), and

The Prudential Insurance Company of America no longer have standing to pursue the claims they asserted in the Amended Complaint arising from the RVMLT 2007-2A Trust as a result of their sale of the RVMLT 2007-2A certificates that they held, which were the sole basis for the claims asserted in this Action by plaintiffs PIMCO Funds: Private Account Portfolio Series Mortgage Portfolio and PIMCO Variable Insurance Trust: PIMCO Global Bond Portfolio (Unhedged);

**WHEREAS**, plaintiff BlackRock Master Total Return Portfolio of Master Bond LLC no longer has standing to pursue any of the claims it asserted in the Amended Complaint arising from the IRWHE 2006-2 Trust as a result of the IRWHE 2006-2 certificates that it held being paid off in full; and

**WHEREAS**, plaintiffs BlackRock Balanced Capital Portfolio (FI), BlackRock Master Total Return Portfolio of Master Bond LLC, BlackRock Strategic Income Opportunities Portfolio, and Prudential Retirement Insurance and Annuity Company (including its Core Plus Bond Fund/REAMS Fund) no longer have standing to pursue the claims they asserted in the Amended Complaint arising from the MSHLC 2007-1 Trust as a result of the MSHLC 2007-1 certificates they held being paid off in full, thereby eliminating the sole basis for the claims asserted in this Action by plaintiffs BlackRock Balanced Capital Portfolio (FI), BlackRock Strategic Income Opportunities Portfolio, and Prudential Retirement Insurance and Annuity Company.

**NOW, THEREFORE**, in consideration of the foregoing and the covenants set forth herein, the Parties hereby stipulate and agree as follows:

1. The following plaintiffs (and all of their respective claims) are hereby dismissed from this Action *with prejudice*: (a) PIMCO Funds: Global Investors Series plc, US Fundamental

Index StockPlus Fund, (b) PIMCO Funds: Private Account Portfolio Series Mortgage Portfolio, (c) PIMCO Variable Insurance Trust: PIMCO Global Bond Portfolio (Unhedged), (d) BlackRock Balanced Capital Portfolio (FI), (e) BlackRock Strategic Income Opportunities Portfolio, and (f) Prudential Retirement Insurance and Annuity Company.

2. The claims of plaintiff The Prudential Insurance Company of America arising solely out of the RVMLT 2007-2A Trust are hereby dismissed *with prejudice*.

3. The claims of plaintiff BlackRock Master Total Return Portfolio of Master Bond LLC arising solely out of the IRWHE 2006-2 Trust and the MSHLC 2007-1 Trust are hereby dismissed *with prejudice*.


4. This voluntary dismissal shall not impact in any way the claims of the other named Plaintiffs in the BSSP 2007-EMX1 Trust or the IRWHE 2006-2 Trust, or any of the other trusts that remain at issue in this Action after the execution of this Stipulation.

**SO STIPULATED:**

Dated: March 6, 2018

Respectfully submitted,

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& GROSSMANN LLP

  
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*Attorneys for Defendant  
Wells Fargo Bank N.A.*



SO ORDERED: \_\_\_\_\_

HON. KATHERINE POLK FAILLA

Dated: March 8, 2018  
New York, New York

*km*